

ORDINANCE NO. 96-16

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS THE PALM BEACH COUNTY EMERGENCY MEDICAL SERVICES ORDINANCE OF 1996, PROVIDING FOR: SHORT TITLE; AUTHORITY AND PURPOSE; DEFINITIONS; CERTIFICATES AND ENDORSEMENTS REQUIRED; PROCEDURES FOR REQUESTING CERTIFICATE; INVESTIGATION AND REVIEW OF APPLICATION; REQUIREMENT FOR BOARD APPROVAL IN GRANTING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; RIGHTS AND DUTIES GRANTED BY CERTIFICATE; PROVISION OF PATIENT OUTCOME DATA; VEHICLE PERMITS; RULES AND REGULATIONS; GENERAL PROHIBITION; DEFICIENCIES; CERTIFICATION, REVOCATION, MODIFICATION, SUSPENSION; COMPLAINT PROCEDURE; EMERGENCY POWERS; EXCLUSION FROM CERTIFICATE OR PERMIT REQUIREMENT; PENALTIES; INCLUSION IN CODE; APPLICABILITY; REPEAL OF LAWS IN CONFLICT; SEVERABILITY; EFFECTIVE DATE AND IMPLEMENTATION.

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, adopted the Palm Beach County Emergency Medical Services Ordinance of 1987, Ordinance No. 87-27; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida, desires to repeal Palm Beach County Ordinance No. 87-27 and replace it with the following Ordinance; and

WHEREAS, Chapter 401, Florida Statutes, authorizes the Board of County Commissioners of Palm Beach County to provide and maintain for the citizens of said County standards which ensure their health, welfare and well being; and

WHEREAS, the Board of County Commissioners of Palm Beach County recognizes that the public health and safety of the residents of the County will best be served by enacting emergency medical services legislation; and

WHEREAS, in order to effectively promote the health, safety, and welfare of the residents of Palm Beach County in need of emergency medical services, it is necessary to establish reasonable standards for issuing Certificates of Public Convenience and Necessity for Advanced and Basic Life Support Services, Air Ambulance Services, and Advanced Life Support Transportation Services.



1 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY  
2 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: -

3 SECTION 1. SHORT TITLE

4 This Ordinance shall be known and may be cited as the  
5 "Palm Beach County Emergency Medical Services Ordinance of 1996."

6 SECTION 2. AUTHORITY AND PURPOSE

7 This Ordinance is promulgated pursuant to Chapter 401,  
8 Florida Statutes. The purpose of this Ordinance is to promote the  
9 health, safety, and welfare of residents of Palm Beach County in  
10 need of emergency medical services by establishing standards for  
11 issuing Certificates of Public Convenience and Necessity for  
12 Advanced Life Support Transportation Services, Advanced Life  
13 Support Services, and Air Ambulance Services and by providing for  
14 the adoption of Rules and Regulations governing the Districts,  
15 Areas, and operation of the services as described herein.

16 SECTION 3. DEFINITIONS

17 A. "Administrator" means the Palm Beach County  
18 Administrator or his designee.

19 B. "Advanced Life Support" or "ALS" means treatment of  
20 life-threatening medical emergencies through the use of techniques  
21 such as endotracheal intubation, the administration of drugs or  
22 intravenous fluids, telemetry, cardiac monitoring, and cardiac  
23 defibrillation by a person qualified in accordance with Chapter  
24 401, Florida Statutes.

25 C. "Advanced Life Support Service" means any person,  
26 firm, corporation, association, or governmental entity owning or  
27 acting as an agent for the owner of any business or service which  
28 furnishes, operates, conducts, maintains, advertises, engages in,  
29 proposes to engage in, or professes to engage in the business or  
30 service of providing Advanced Life Support.

31 D. "Advanced Life Support (ALS) Transportation Service"  
32 means any person, firm, corporation, association, or governmental  
33 entity owning or acting as an agent for the owner of any business  
34 or service which furnishes, operates, conducts, maintains,  
35 advertises, engages in, proposes to engage in, or professes to



1 engage in the business or service of responding to medical or  
2 emergency medical calls with ambulances and which is endorsed by  
3 the County to routinely transport patients.

4 E. "Air Ambulance" means any aircraft used for, or  
5 intended to be used for, air transportation of sick or injured  
6 persons requiring or likely to require medical attention during  
7 transport.

8 F. "Air Ambulance Service" means any person, firm,  
9 corporation, association, or governmental entity owning or acting  
10 as an agent for the owner of any business or service which  
11 furnishes, operates, conducts, maintains, advertises, engages in,  
12 proposes to engage in, or professes to engage in the business or  
13 service of responding to medical or emergency medical calls with  
14 Air Ambulances.

15 G. "Ambulance" means any land, air or water vehicle  
16 that is designed, constructed, reconstructed, maintained, equipped  
17 or operated and is used for or intended to be used for air, land,  
18 or water ALS and BLS transportation of sick or injured persons  
19 requiring or likely to require medical attention or emergency  
20 medical attention.

21 H. "Area" means a geographical division of Palm Beach  
22 County that is clearly defined by distinct borders and/or municipal  
23 boundaries within which a Primary Provider will provide services.

24 I. "Basic Life Support" or "BLS" means treatment of  
25 medical emergencies by a qualified person through the use of  
26 techniques such as patient assessment, cardiopulmonary  
27 resuscitation (CPR), splinting, obstetrical assistance, bandaging,  
28 administration of oxygen, application of medical antishock  
29 trousers, administration of a subcutaneous injection using a  
30 premeasured autoinjector of epinephrine to a person suffering an  
31 anaphylactic reaction, and other techniques described in the  
32 Emergency Medical Technician Basic Training Course Curriculum of  
33 the United States Department of Transportation.

34 J. "Basic Life Support Service" means any emergency  
35 medical service which only uses BLS techniques.



1 K. "Board" means the Board of County Commissioners of  
2 Palm Beach County, Florida.

3 L. "Certificate Holder" means any person, firm,  
4 corporation, association, or governmental entity owning or acting  
5 as an agent for the owner of any business or service which has  
6 been issued a Certificate of Public Convenience and Necessity by  
7 Palm Beach County.

8 M. "Certificate of Public Convenience and Necessity" or  
9 "Certificate" or "EMS Certificate" means a Certificate with  
10 Endorsements issued by the Board of County Commissioners of Palm  
11 Beach County, Florida, deeming it to be in the public convenience  
12 and necessity for the named Advanced Life Support Transportation  
13 Service, Advanced Life Support Service, or Air Ambulance Service to  
14 operate within the confines of Palm Beach County, as authorized in  
15 Section 401.25, Florida Statutes.

16 N. "County" means the incorporated and unincorporated  
17 areas of Palm Beach County, Florida.

18 O. "Emergency Medical Call" means any request for the  
19 immediate and prompt dispatch of an ambulance or vehicle for the  
20 purpose of providing immediate medical assistance or transportation  
21 of a sick, injured or otherwise incapacitated patient.

22 P. "Emergency Medical Services Council" or "EMS  
23 Council" means the agency appointed by the Board of County  
24 Commissioners to advise and provide comment on matters relating to  
25 emergency medical services within Palm Beach County.

26 Q. "Endorsement" means the type(s) of service a  
27 Certificate Holder is authorized to provide and the respective  
28 Area(s) or District(s) in which it may provide said service, as  
29 shown on an EMS Certificate issued by the Board.

30 R. "Evacuation" means the withdrawal and transport of  
31 ill or incapacitated persons who reside in threatened areas and  
32 require transportation, to or from a Board established shelter,  
33 utilizing ambulances, when required by the Board due to a local  
34 state of emergency.



1           S.    "Inter-Facility Transfer" means the transportation  
2 of a patient requiring an ambulance, as licensed under Chapter 401,  
3 Florida Statutes, between two facilities licensed under Chapter  
4 395, Florida Statutes, or Chapter 401, Florida Statutes.

5           T.    "MedCom" means the Palm Beach County Medical  
6 Communications Center.

7           U.    "Medical Call" means any request for medical  
8 assistance or transportation which does not require the immediate  
9 or prompt dispatch of an ambulance or vehicle, or any situation  
10 which does not require the immediate or prompt provision of medical  
11 assistance or transportation.

12          V.    "Medical Control" means direct physician supervision  
13 through two-way voice communication or through established written  
14 standing orders.

15          W.    "Medical Director" means a Florida licensed  
16 physician who shall become an active member of the Palm Beach  
17 County EMS Council's Medical Director's Standing Subcommittee and  
18 is employed or contracted to provide medical supervision for the  
19 daily operations and training of Advanced Life Support  
20 transportation services, Advanced Life Support services, or Air  
21 Ambulance services, as defined in Chapter 10D-66.0505 (F.A.C.).

22          X.    "Medical Director's Standing Subcommittee" means a  
23 perennial subcommittee of the EMS Council comprised of medical  
24 directors of ALS transportation services, ALS services, or Air  
25 Ambulance services.

26          Y.    "Patient" means any person who requires, or may  
27 require, medical assistance and/or transportation.

28          Z.    "Permit" means the adhesive decal issued by the  
29 County to an ALS transportation service, ALS service, or Air  
30 Ambulance service, and which must be affixed to a vehicle or  
31 ambulance authorized by the Administrator to operate in Palm Beach  
32 County. No vehicle or ambulance shall operate in Palm Beach County  
33 without obtaining said Permit.



1 AA. "Primary Provider" means the agency designated by  
2 the Board to provide Advanced Life Support emergency medical  
3 services and/or transport within the Area stated upon their COPCN.

4 BB. " Response Time" means the time beginning when a  
5 Certificate Holder's dispatch center receives a call requesting  
6 emergency response to the time an ambulance or vehicle of the  
7 Certificate Holder arrives at the reported address of the  
8 emergency.

9 CC. "Secondary Provider" means the agency designated by  
10 the Board to provide secondary Advanced Life Support or Basic Life  
11 Support emergency medical services and/or transport within a  
12 geographically defined District.

13 DD. "Secondary Provider District" or "District" means a  
14 geographical division of Palm Beach County that is clearly defined  
15 by distinct borders within which a Secondary Provider will provide  
16 service.

17 EE. "Transfer" means the transportation of a patient by  
18 ambulance as a result of a request for response to a medical call.

19 FF. "Vehicle" means any vehicle which is staffed and  
20 equipped to provide Advanced Life Support and Basic Life Support  
21 treatment, but not used for transport.

22  
23 **SECTION 4. CERTIFICATE AND ENDORSEMENTS REQUIRED**

24 A. Palm Beach County shall issue Certificates of Public  
25 Convenience and Necessity titled "EMS Certificates". Every person,  
26 firm, corporation, association, or governmental entity owning or  
27 acting as an agent for the owner of any business or service,  
28 wishing to respond to emergency and medical calls, which furnishes,  
29 operates, conducts, maintains, advertises, engages in, proposes to  
30 engage in, or professes to engage in the business or service of  
31 providing Advanced Life Support transportation, Advanced Life  
32 Support, Basic Life Support, Basic Life Support transportation  
33 service, inter-facility transfer, inter-hospital or Air Ambulance  
34 services, must obtain an EMS Certificate. Due to the standards



1 established by this Ordinance, no "EMS Certificates" shall issue  
2 with a BLS Endorsement.

3 B. EMS agencies which intend to provide ALS and BLS  
4 response but not routine transport of patients must apply for, and  
5 obtain, an "ALS" Endorsement to their respective Certificate of  
6 Public Convenience and Necessity.

7 C. EMS agencies which intend to provide ALS and BLS  
8 response and routine transport of patients must apply for, and  
9 obtain, an "ALS Transport" Endorsement to their respective  
10 Certificate of Public Convenience and Necessity.

11 D. Only non-governmental EMS agencies may provide  
12 interhospital or interfacility transfer services. Governmental  
13 agencies shall not provide interhospital or interfacility transfer  
14 services unless, based on an emergency call as defined in  
15 Section 3.0 herein and originating from the County's Emergency  
16 9-1-1 Telephone System, the patient's condition requires a response  
17 from the nearest available EMS agency. Emergency interhospital or  
18 interfacility transports shall meet the same response time  
19 requirements as an emergency medical call.

20 E. Only those agencies which possess a Palm Beach  
21 County Certificate of Public Convenience and Necessity may provide  
22 Advanced Life Support transportation, Advanced Life Support, Basic  
23 Life Support, Basic Life Support transportation service, inter-  
24 facility transfer, inter-hospital transport, Air Ambulance  
25 services, and/or respond to medical calls in Palm Beach County,  
26 except as otherwise provided in §401.33, Florida Statutes.

27 F. Governmental entities having a public mandate to  
28 provide emergency medical services within their jurisdiction may be  
29 granted a Certificate by the Board and may serve said jurisdiction  
30 as the Primary Provider. Any governmental entity requesting a  
31 Certificate of Public Convenience and Necessity must comply with  
32 all the requirements set forth in this Ordinance including, but not  
33 limited to, Section 5. The Endorsement(s) on the Certificate shall  
34 reflect the service which is authorized by the Board.



1                    **SECTION 5. PROCEDURES FOR REQUESTING CERTIFICATE**

2                    A.     Each applicant requesting a Certificate of Public  
3                    Convenience and Necessity shall submit a copy of a completed  
4                    application as required by Chapter 401, Florida Statutes, and any  
5                    rules promulgated pursuant thereto. This application must also  
6                    include:

7                    1.     such other forms and information that the  
8                    Administrator may require for full and complete disclosure of  
9                    information for consideration by the Board of County Commissioners  
10                   including, but not limited to, information as to Districts, Areas,  
11                   rate schedules, current financial statement prepared by an  
12                   independent accounting firm or, in the case of a governmental unit,  
13                   the funds budgeted for this service; and

14                   2.     the specific service Endorsement sought and  
15                   Area or District in which the applicant intends to provide the  
16                   service; and

17                   3.     a non-refundable application fee as  
18                   established by the Board of County Commissioners, by resolution.

19                   B.     Public notice shall be given by the Administrator no  
20                   earlier than one hundred fifty (150) days and no later than one  
21                   hundred twenty (120) days prior to the expiration date of all  
22                   Certificates of Public Convenience and Necessity. This notice  
23                   shall state that the County will be accepting applications for  
24                   Certificates for all Districts and Areas of operation within the  
25                   County.

26                   C.     Applications shall be submitted to the Administrator  
27                   or his designee no earlier than one hundred twenty (120) days and  
28                   no later than ninety (90) days prior to the expiration date of the  
29                   Certificate of Public convenience and Necessity.

30                   D.     Applications for Certificates shall be accepted only  
31                   during the time specified in the public notice.

32                   **SECTION 6. INVESTIGATION AND REVIEW OF APPLICATION**

33                   A.     Upon receipt of an application, the Administrator  
34                   shall review the application, conduct an investigation, and obtain  
35                   verification that the applicant meets the requirements of all



1 applicable federal, state and local laws. The investigation shall  
2 include consideration of:

- 3 1. the need for the proposed service in the  
4 requested Area or District;
- 5 2. the financial information of the applicant to  
6 ensure continued service to the Area or District;
- 7 3. the proposed rate structure as it relates to  
8 those currently charged in the County;
- 9 4. the applicant's assurance that it has met or  
10 can meet all federal, state and local requirements; however, said  
11 requirements must be met prior to the issuance of a Certificate;
- 12 5. the professional and personal integrity of the  
13 applicant;
- 14 6. the applicant's past performance in this Area  
15 or District, as well as in other jurisdictions, Districts or Areas;
- 16 7. other information deemed relevant by the  
17 Administrator.

18 B. The Administrator shall forward all investigative  
19 reports to the Palm Beach County Emergency Medical Services Council  
20 for its review. A copy of the Administrators report shall,  
21 concurrently, be forwarded to the applicant. After said review,  
22 the EMS Council shall provide the Board with its recommendations as  
23 to Primary and Secondary Providers. Prior to the review of the  
24 applications by the EMS Council, the Administrator may request the  
25 Board to set a date for a public hearing, as described in Section  
26 7, to consider the applications and the EMS Council's  
27 recommendations.

28 C. The applicant shall cooperate with the Administrator  
29 in producing or causing to be produced any information appropriate  
30 to the investigation and report. Failure to provide any  
31 information requested by the Administrator may result in rejection  
32 of the application.

33 D. The Administrator's report concerning the  
34 application shall be forwarded to the Board for the Public Hearing.



1                    SECTION 7. REQUIREMENT FOR BOARD APPROVAL IN GRANTING A  
2                    CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

3                    A.     The Board shall schedule public hearings to consider  
4 all applications for Certificates. The Administrator shall notify  
5 all applicants and current Certificate Holders of the date, time,  
6 and place of the public hearing at least ten (10) days prior to  
7 said hearing. All applicants shall appear before the Board at the  
8 public hearing on the same day.

9                    B.     At the hearing, the Board shall receive the report  
10 of the Administrator, report of the EMS Council, testimony from the  
11 applicant(s) or any other interested party, and any other relevant  
12 information. For all Certificates, the Board will consider the  
13 public's convenience and the necessity for the service in the  
14 District or Area requested. The Board will consider whether the  
15 applicant has the ability to provide the necessary service based  
16 upon the criteria set forth in this Ordinance and Chapter 401,  
17 Florida Statutes. The Board shall also consider the  
18 recommendations of any municipality or municipalities applying for  
19 a Certificate or affected by the issuance of a Certificate.

20                    C.     At said public hearing, after consideration of the  
21 aforementioned information, the Board shall determine, based upon  
22 the criteria and guidelines of this Ordinance and Chapter 401,  
23 Florida Statutes, which agencies shall serve all or a portion of  
24 the District or Area requested. The agencies determined by the  
25 Board as most qualified to serve all or a portion of the District  
26 or Area shall be identified as "Primary" or "Secondary" providers.

27                    D.     The Board shall then authorize the issuance of the  
28 Certificate with such conditions, restrictions and/or Endorsements  
29 as are in the public's interest or deny the application setting  
30 forth the reasons for the denial.

31                    D.1    The Board of County Commissioners may limit or  
32 define the extent to which a "Primary" or "Secondary"  
33 provider may provide service within the District or Area.

34                    D.2    All Certificate Holders shall provide "backup" to



1 a Primary Provider if requested by MedCom, unless it will remove  
2 all coverage from its assigned Area or District.

3 E. Notwithstanding the procedures and substantive  
4 requirements for the issuance of a Certificate, the Board may  
5 grant, at its discretion, and at any time, a temporary Certificate  
6 of Public Convenience and Necessity for a period not to exceed six  
7 (6) months in order to safeguard and protect the public health,  
8 safety and welfare. This temporary Certificate may be renewed.

9 **SECTION 8. TERM AND ASSIGNABILITY OF CERTIFICATES**

10 Certificates of Public Convenience and Necessity granted by the  
11 Board pursuant to this Ordinance shall be valid for four (4)  
12 calendar years. All Certificates shall be personal to the  
13 applicant and may, with the approval of the Board of County  
14 Commissioners at a public hearing, be assigned or transferred,  
15 contingent upon the completion of requirements set forth in this  
16 Ordinance including, but not limited to, Section 6. All EMS  
17 Certificate Holders within the County shall be provided with  
18 notice, at least ten (10) days prior, of any Public Hearing  
19 regarding the assignment or transfer of a Certificate.

20 **SECTION 9. RIGHTS AND DUTIES GRANTED BY CERTIFICATE**

21 A. Acceptance of a Certificate with an "ALS"  
22 Endorsement shall obligate the applicant to:

23 1. provide Advanced Life Support and Basic Life  
24 Support to the entire geographical Area as stated on the  
25 Certificate of Public Convenience and Necessity;

26 2. respond to all emergency medical calls;

27 3. when requested by MedCom, provide backup  
28 coverage to emergency medical calls in an adjoining Area or  
29 District when the Certificate Holder for that Area is unable to  
30 respond, unless it will remove all coverage from its assigned Area  
31 or District;

32 4. abide by all requirements of this Ordinance  
33 and Rules and Regulations adopted by the Board and all applicable  
34 federal, state and local laws;



1                   5.     provide access to the applicant's business,  
2 vehicles and ambulances for inspection by the Administrator  
3 pursuant to Sections 11,15 and 16 of this Ordinance;

4                   6.     post, at the place of business, a copy of the  
5 fee schedule required under this Ordinance;

6                   7.     submit to the Administrator any changes or any  
7 requested changes in the fee schedule at least sixty (60) days  
8 prior to the effective date of such change, and all documentation  
9 which justifies the fee change;

10                  8.     notify the Administrator at least ninety (90)  
11 days prior to the termination or reduction of any service;

12                  9.     not transport patients unless the agency also  
13 carries an "ALS Transport" Endorsement;

14                  10.    perform only those services specifically  
15 authorized by its Certificate Endorsement(s), and abide by all  
16 restrictions, limitations, and exclusions as identified on the  
17 Certificate;

18                  11.    provide the Administrator with copies of  
19 updated, current records and/or data which pertain to Certificate  
20 application, personnel certification, and vehicle data, within  
21 thirty (30) days of any change to said records; and

22                  12.    adopt the minimum <sup>11.5</sup> standard pre-hospital  
23 treatment/transport protocols approved and adopted by the Palm  
24 Beach County EMS Council. However, a Certificate Holder may  
25 implement protocols which exceed the minimum standards adopted by  
26 the EMS Council.

27                  B.     Acceptance of a Certificate with an ALS Transport  
28 Endorsement shall obligate the applicant to:

29                   1.     provide ALS response and transportation  
30 service to the entire District or geographical Area as stated on  
31 the Certificate of Public Convenience and Necessity;

32                   2.     provide coverage to an adjoining District or  
33 Area ~~Area~~ when requested to do so by MedCom for emergency medical calls  
34 when the Certificate Holder for that District or Area is unable to



1 respond, unless it will remove all coverage from its assigned  
2 District or Area;

3 3. respond to all emergency medical calls unless  
4 all vehicles in service are on other emergency medical or medical  
5 calls;

6 4. abide by all requirements of this Ordinance  
7 and Rules and Regulations adopted by the Board and all applicable  
8 federal state and local laws;

9 5. provide access to the applicant's business,  
10 vehicles and ambulances for inspection by the Administrator  
11 pursuant to Sections 11,15 and 16 of this Ordinance;

12 6. post at the place of business a copy of the  
13 fee schedule required under this Ordinance;

14 7. submit to the Administrator any changes or any  
15 requested changes in the fee schedule at least sixty (60) days  
16 prior to the effective date of the change and all documentation  
17 which justify the fee change;

18  
19 8. provide emergency medical service and patient  
20 transport at no cost to the patient when requested by the  
21 Administrator or his designee because an emergency evacuation of  
22 persons from an Area or District is required by a declaration of a  
23 local state of emergency by the Board;

24 9. notify the Administrator at least ninety (90)  
25 days prior to termination or reduction of any service;

26 10. perform only those services specifically  
27 authorized by its Certificate Endorsement(s), and abide by all  
28 restrictions, limitations, and exclusions as identified on the  
29 Certificate;

30 11. provide the Administrator with copies of  
31 updated, current records and/or data which pertain to Certificate  
32 application, personnel certification, and vehicle data, within  
33 thirty (30) days of any change of said records; and

34 12. adopt the minimum standard pre-hospital  
35 treatment/transport protocols approved and adopted by the Palm



1 Beach County EMS Council. However, a Certificate Holder may  
2 implement protocols which exceed the minimum standards adopted by  
3 the EMS Council.

4 **SECTION 10. PROVISION OF PATIENT OUTCOME DATA**

5 Hospitals shall, upon request of an EMS provider agency,  
6 provide outcome data to the EMS provider agency on individual  
7 patients that were transported to said hospital by that agency for  
8 the purpose of statistical analysis by the agency's quality  
9 assurance and management/improvement program. The outcome data  
10 shall consist of admission and/or discharge diagnoses on any and  
11 all patients transported to said hospital by the requesting EMS  
12 provider agency. An EMS provider agency may not request outcome  
13 data on any patients other than those which were treated initially  
14 and/or transported by said EMS provider agency. All such requests  
15 for outcome data shall be used exclusively by the individual EMS  
16 provider agency's quality management/improvement program, and as  
17 such, are confidential and protected from discovery as specified by  
18 Florida Statutes 395.401, 401.265, and 401.425.

19 **SECTION 11. VEHICLE PERMITS**

20 A. Certificate Holders shall be subject to random and  
21 routine inspections of their ambulances and vehicles. Ambulances  
22 and vehicles found acceptable by the Administrator shall be issued  
23 a Permit, in the form of an adhesive decal, which shall be affixed  
24 to the ambulance or vehicle. Permits shall be valid for one (1)  
25 year from date of issue.

26 B. A fee, as established by resolution of the Board of  
27 County Commissioners, shall be required for each Permit issued.

28 C. If, during an inspection, the Administrator  
29 ascertains that an ambulance or vehicle or its equipment does not  
30 comply with the standards as set forth in Chapter 401, F.S., or  
31 this Ordinance, the Administrator may suspend or revoke its  
32 respective Permit until the Certificate Holder can establish that  
33 the ambulance or vehicle is once again in compliance. The  
34 Administrator shall allow the Certificate Holder a maximum of  
35 thirty (30) days to comply and shall report all Permit suspensions



1 or revocations and pertinent information to the Emergency Medical  
2 Services Council.

3 D. Ambulances or vehicles with suspended Permits which  
4 are not brought into compliance within the time specified by the  
5 Administrator, shall have its Permit revoked. It shall be a  
6 violation of this Ordinance for an ambulance or vehicle with a  
7 suspended or revoked Permit to operate within the County.

8 E. A Certificate Holder which has had a Permit revoked  
9 must apply to the Administrator for a new Permit and shall pay the  
10 required fee.

11 F. A Certificate Holder may appeal the revocation of  
12 Permit by appearing before the EMS Council at one of its regularly  
13 scheduled meetings. A Certificate Holder seeking to appeal a  
14 Permit revocation shall make said request in writing to the EMS  
15 Council through the Administrator. The Administrator shall then  
16 advise the Certificate Holder of the date and time the appeal may  
17 be heard.

18 G. The EMS Council shall hear the appeal and vote to  
19 either uphold or rescind the revocation. All decisions of the EMS  
20 Council shall be final.

## 21 SECTION 12. RULES AND REGULATIONS

22 The Administrator, in consultation with the EMS Council,  
23 is hereby authorized to prepare such Rules and Regulations  
24 necessary to carry out the purpose of this Ordinance, and shall  
25 present these Rules and Regulations for consideration to the Board  
26 of County Commissioners at a public hearing.

27 The Board may adopt and subsequently amend Rules and  
28 Regulations adopted hereunder at a public hearing, provided notice  
29 of the proposed change has been presented to the EMS Council and to  
30 the Certificate Holders for review no later than thirty (30) days  
31 prior to consideration by the Board.

## 32 SECTION 13. GENERAL PROHIBITION

33 It shall be a violation of this Ordinance, and shall be  
34 reported to the Emergency Medical Services Council, for any person,  
35 business entity or governmental agency to:



1           A. obstruct, bar or otherwise interfere with an  
2 inspection conducted under the purview of this Ordinance;

3           B. make an omission of a material fact or a false  
4 statement in any application or other document filed with the  
5 Administrator;

6           C. by telephone or otherwise, cause to be placed or  
7 place a false emergency medical call;

8           D. violate or fail to observe any requirement of this  
9 Ordinance, or any rule, regulation or order under the provision of  
10 this Ordinance;

11           E. represent herself, himself, or itself as an Advanced  
12 Life Support transportation service, an Advanced Life Support  
13 service, Air Ambulance service, or engage in the business of  
14 conducting an Advanced Life Support transportation service,  
15 Advanced Life Support service, Basic Life Support transportation  
16 service, Basic Life Support service, inter-facility transfer,  
17 inter-hospital transport, Air Ambulance services, and/or respond to  
18 medical calls in Palm Beach County without first obtaining an  
19 appropriate Certificate of Public Convenience and Necessity from  
20 the Board as provided herein and the necessary State of Florida  
21 licenses, except as otherwise provided pursuant to §401.33, Florida  
22 Statutes.

23           F. operate an ambulance or vehicle that does not meet  
24 the requirements of this Ordinance; or

25           G. obstruct, bar, or otherwise interfere with patient  
26 care.

27           Violations of this Ordinance shall be punishable in  
28 accordance with §125.69, Florida Statutes. Each day of continuing  
29 violation shall be considered a separate offense.

30           SECTION 14. DEFICIENCIES

31           A. Whenever the Administrator determines, by inspection  
32 or otherwise, that a Certificate Holder is not in compliance with  
33 requirement under this Ordinance or its Rules and Regulations,  
34 Chapter 401, F.S., Rule 10D-66 (F.A.C.) or any other applicable



1 law, the Administrator shall order the Certificate Holder to  
2 correct such deficiency.

3 B. Every such correction order, whether verbal or  
4 written, shall include a statement of the deficiencies found, the  
5 period prescribed within which a deficiency must be corrected, and  
6 the provision of the law relied upon. The affected Certificate  
7 Holder may file a written request with the Administrator for  
8 reconsideration of the order or any portion thereof, within five  
9 (5) calendar days of the receipt of such order. Failure of the  
10 Administrator to respond to the Certificate Holder's written  
11 request for reconsideration within seven (7) calendar days of  
12 receipt shall void the correction order. All information shall be  
13 forwarded to the Emergency Medical Services Council.

14 **SECTION 15. COMPLAINT PROCEDURE**

15 A. All Complaints filed against a Certificate Holder  
16 shall be reviewed. The Certificate Holder who is the subject of  
17 said complaint shall be immediately notified of same. The  
18 Administrator may designate a Committee to conduct this review.  
19 The findings of said Committee will be submitted to the  
20 Administrator. If this review substantially verifies that a  
21 violation of this Ordinance or any applicable law has occurred, the  
22 Administrator may conduct an investigation. The Administrator  
23 shall be provided access to the Certificate Holder's business  
24 records for inspection to assist in said investigation. Upon  
25 completion of the investigation, the Administrator may present  
26 his/her recommendation to the Emergency Medical Services Council  
27 for their review and recommendation prior to submittal to the  
28 County Commissioners.

29 B. If the Administrator or Emergency Medical Services  
30 Council finds through an investigation that revocation, suspension,  
31 or modification of a Certificate is warranted, the Administrator  
32 shall notify the Certificate Holder by certified mail, and the  
33 Board of County Commissioners in writing, of such investigative  
34 findings. This notice shall state the reasons for any finding and  
35 establish a Public Hearing date. The Public Hearing shall be held



1 by the Board of County Commissioners for the purpose of considering  
2 the Administrator's investigation and recommendation. The  
3 Administrator shall forward the public hearing results to the State  
4 EMS office.

5 SECTION 16. CERTIFICATION REVOCATION, MODIFICATION,  
6 SUSPENSION

7 A. Every Certificate issued pursuant to this Ordinance  
8 is subject to revocation, modification or suspension where it is  
9 found that:

10 1. the Certificate Holder has failed or neglected  
11 to adhere to this Ordinance or the Rules and Regulations  
12 promulgated by the Board, Chapter 401, Florida Statutes and any  
13 other applicable law: or

14 2. the application submitted to secure a  
15 Certificate of Public Convenience and Necessity from the Board of  
16 County Commissioners contains a false representation or omitted  
17 material facts; or

18 3. the Certificate Holder, or its agent, has  
19 demanded money or other compensation in excess of that established  
20 in its schedule of fees filed with the Board pursuant to this  
21 Ordinance; or

22 4. the Certificate Holder has failed to comply  
23 with a correction order issued under Section 14 of this Ordinance;  
24 or

25 5. the Certificate Holder has been adjudicated  
26 guilty of a felony, unless the Certificate Holder's civil rights  
27 have been restored; or

28 6. the Certificate Holder has been found guilty,  
29 by a court of competent jurisdiction, of any criminal offense  
30 involving moral turpitude; or

31 7. the Certificate Holder has committed malpractice  
32 or negligence in the operation of its service; or

33 8. the Certificate Holder has had their/its State  
34 license revoked or suspended.



1 B. The EMS Council shall review and make recommendation  
2 to the Board of County Commissioners regarding Certificates subject  
3 to revocation, modification, or suspension. The Board of County  
4 Commissioners may either accept or reject the recommendation of the  
5 EMS Council.

6  
7 **SECTION 17. EMERGENCY POWERS**

8 If a situation exists which poses a serious or imminent  
9 threat to the health, safety, welfare, or public need and  
10 convenience, the Administrator shall have such temporary emergency  
11 powers as are necessary to remedy the situation.

12  
13 **SECTION 18. EXCLUSION FROM CERTIFICATE OR PERMIT**  
14 **REQUIREMENT**

15 Certificates or Permits shall not be required for:

16 A. the transport of a patient or passenger pursuant to  
17 the Good Samaritan Act, Chapter 768.13, Florida Statutes;

18 B. ambulances based outside the County which pick up a  
19 patient outside the County and transport them into the County, or  
20 which pick up a patient inside the County and transport them out of  
21 the County;

22 C. all vehicles which serve primarily as administrative  
23 vehicles;

24 D. those vehicles and services identified in Chapter  
25 401.33, Florida Statutes;

26 E. vehicles or ambulances providing mutual or automatic  
27 aid to a District or Area when the District or Area's permitted  
28 vehicles or ambulances are unable to respond, or when the patient's  
29 condition necessitates immediate transportation as identified in  
30 the minimum standard pre-hospital treatment protocols as approved  
31 and adopted by the Palm Beach county EMS Council, or as confirmed  
32 by Medical Control; or  
33  
34



1 F. vehicles or ambulances from another county which  
2 respond when requested through an officially executed mutual aid  
3 agreement.

4 **SECTION 19. PENALTIES**

5 A violation of any provision of this Ordinance shall be  
6 prosecuted in the same manner as a misdemeanor pursuant to §  
7 125.69, Florida Statutes, and, upon conviction, the violator shall  
8 be subject to a fine not to exceed Five Hundred Dollars (\$500)  
9 and/or imprisonment in the County Jail for not more than sixty (60)  
10 days, or both such fine and imprisonment. Each day that a  
11 violation continues shall be considered a separate offense.

12 **SECTION 20. INCLUSION IN CODE OF LAWS AND ORDINANCES**

13 The provisions of this Ordinance shall become and be made  
14 a part of the Code of Laws and Ordinances of Palm Beach County,  
15 Florida. The sections of this Ordinance may be renumbered or  
16 relettered to accomplish such; the word "Ordinance" may be changed  
17 to "section," "article" or other appropriate word.

18 **SECTION 21. APPLICABILITY**

19 It is hereby provided that this Ordinance shall  
20 constitute a uniform law applicable in all the unincorporated and  
21 incorporated areas of Palm Beach County, Florida, as authorized by  
22 Chapter 401, Florida Statutes.

23 **SECTION 22. REPEAL OF LAWS IN CONFLICT**

24 Any laws or ordinances in conflict with this Ordinance  
25 which Palm Beach County is authorized to repeal are hereby  
26 repealed. Specifically, Ordinance No. 87-27, is repealed in the  
27 manner described in this Ordinance.

28 **SECTION 23. SEVERABILITY**

29 If any section, paragraph, sentence, clause, phrase or  
30 word of this Ordinance is, for any reason, held or declared by a  
31 court to be unconstitutional, inoperative or void, such holding  
32 shall not affect the remainder of this Ordinance.



1                    **SECTION 24. EFFECTIVE DATE AND IMPLEMENTATION**

2  
3                    Any provision relating to the application and  
4 certification process for obtaining a COPCN shall become effective  
5 August 1, 1996, at 12:00 A.M. The remaining provisions of this  
6 Ordinance shall take effect January 1, 1997, at 12:00 A.M.

7                    All Class A and Class C Certificate Holders licensed for  
8 the years 1996-1997 shall be issued a three (3) year extension to  
9 the term of their respective COPCNs upon submittal of an updated  
10 application, subject to approval by the Board of County  
11 Commissioners, in accordance with this Ordinance. After the  
12 expiration of said extended term, all Certificates issued shall be  
13 valid for four (4) years as provided in Section 8.

14  
15                    **APPROVED AND ADOPTED** by the Board of County Commissioners  
16 of Palm Beach County, Florida, on the 7 day of May,  
17 1996.

18 DOROTHY H. WILKEN, CLERK

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS,

19  
20  
21  
22  
23 By: Michelle Hall

24 Deputy Clerk

[Signature]  
Chairman

25  
26  
27 APPROVED AS TO FORM AND  
28 LEGAL SUFFICIENCY

29  
30  
31  
32  
33 By: [Signature]

34 Asst. County Attorney

35  
36  
37 Filed with the Department of State on the 13th day of  
38 May, 1996.



## Attachment b.

### EMS ORD. CHANGES / DIFFERENCES

87-27

96-

2 year COPCN

4 year COPCN

4 "Classes" of COPCN

One COPCN with "endorsements" as to what LOS agencies will provide

12 ambulance "zones"

4 "secondary provider districts"

Has "most appropriate, best able" language, contested area language

All providers are ALS providers

Allows permits for xport vehicles only

All EMS vehicles must be permitted

Initiates medical directors standing committee

Re-defines primary / secondary provider

Has 90/60 day application window

Provides for 150/120 day notification for application submission

Accepts applications in 120/90 day window

Allows for provision of patient outcome data for QA program

Provides language for agencies with public mandate to implement service(s) (IV.F)

Provides for exclusion of permit for mutual aid units, etc. (18.E)

Current Rules-Regs. are 47 pages long

Proposed Rules-Regs. are 15 pages long

Defines "classes" of services and defines zones

Defines provider "districts"

Defines operating procedures, limits

Allows for "priority dispatch"

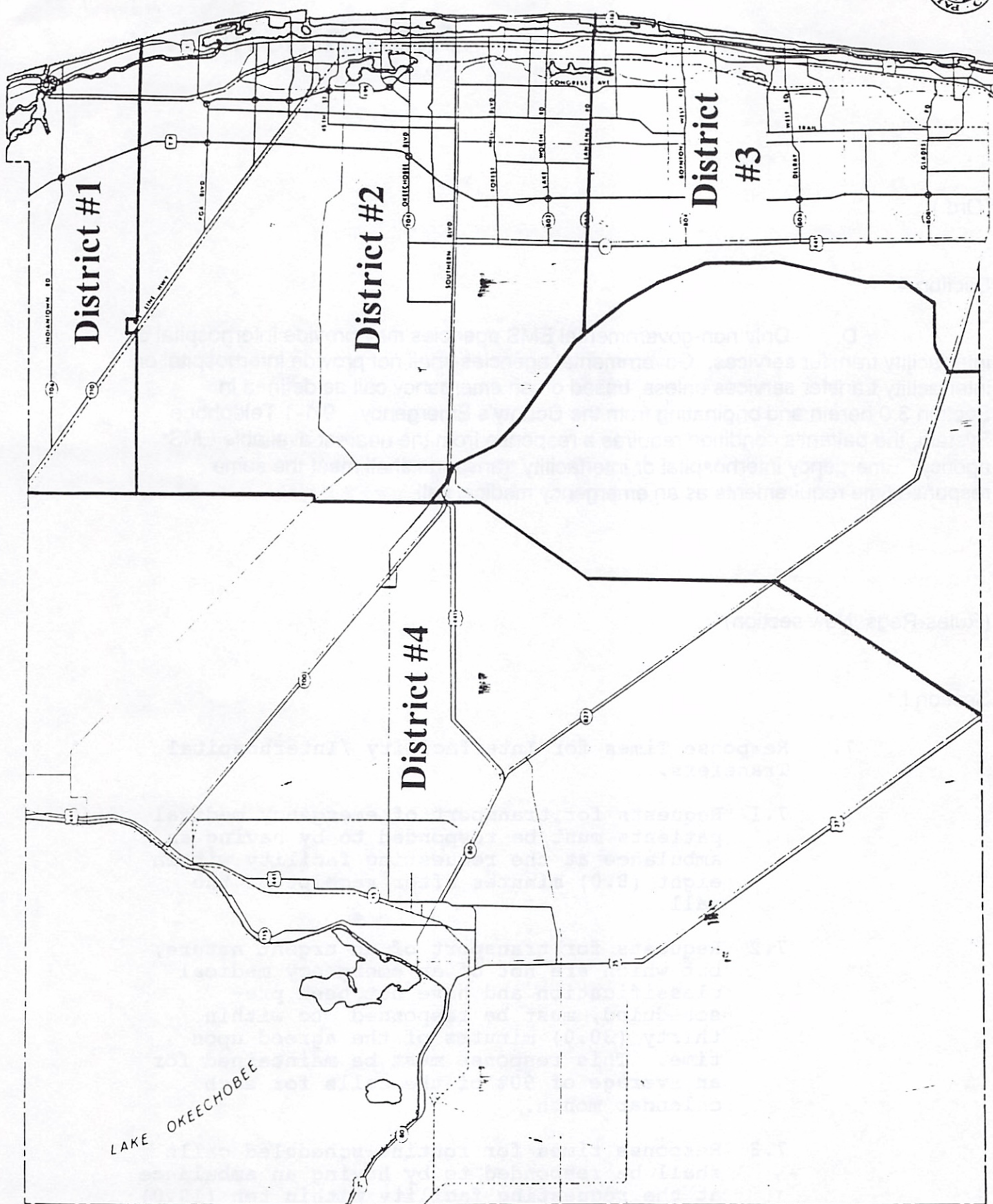
Some wording/language is vague, unclear

Wording is clearer, more understandable



ATLANTIC

OCEAN





# Attachment d.

(Ord.)

## Section 4.

D. Only non-governmental EMS agencies may provide interhospital or interfacility transfer services. Governmental agencies shall not provide interhospital or interfacility transfer services unless, based on an emergency call as defined in Section 3.0 herein and originating from the County's Emergency 9-1-1 Telephone System, the patient's condition requires a response from the nearest available EMS agency. Emergency interhospital or interfacility transports shall meet the same response time requirements as an emergency medical call.

(Rules-Regs. New section)

## Section I.

7. Response Times for Interfacility /Interhospital Transfers.
  - 7.1 Requests for transport of emergency medical patients must be responded to by having an ambulance at the requesting facility within eight (8.0) minutes after receipt of the call.
  - 7.2 Requests for transport of an urgent nature, but which are not of an emergency medical classification and have not been pre-scheduled, must be responded to within thirty (30.0) minutes of the agreed upon time. This response must be maintained for an average of 90% of the calls for each calendar month.
  - 7.3 Response times for routine scheduled calls shall be responded to by having an ambulance at the requesting facility within ten (10.0) minutes of the agreed scheduled time. This response must be maintained for an average of 90% of the calls for each calendar month.

Upon request of the Administrator, non-governmental EMS agencies shall provide response time information pertaining to all or any portion of their interfacility / interhospital transfers, for any given period of time.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on 5/22/96  
DATE at West Palm Beach, FL on 5/20/96  
DOROTHY H. WILKEN, Clerk  
By: Phyllis A. House D.C.